

**REMARKS**

Entry of the foregoing, and early and favorable consideration of the subject application are respectfully requested.

By the present Amendment, new claims 7-9 have been added. These claims, directed to a method for reducing endotoxin levels in the body of a patient, derive support from throughout the specification and claims as originally filed. No new matter has been added.

Turning now to the Official Action, requiring restriction under 35 U.S.C. §121, Applicants hereby elect, albeit with traverse, the claims of Group I, Claims 1-3, drawn to a method of treating sepsis.

According to the MPEP §803, a restriction between patentably distinct inventions is proper *only* when there is a serious burden on the examiner to examine all the claims in a single application this is true even when appropriate reasons exist for a restriction requirement. In the present application, it is believed that because there is a close relationship between the subject matter of the three sets of claims, it would not be a serious burden on the Examiner to examine all the claims at this time.

Group I, claims 1-3, relate to a method of treating sepsis. As discussed in the application, this method involves administering one or more molecules selected from the group consisting of Arg Helix #2, Bis Arg Helix #2, Tris-Arg Helix #3, Tetra-Arg Helix #3, and Tris-Arg Helix #3 Constrained. As discussed in the specification, the present inventors have surprising found that these molecules are capable of binding endotoxins that are one of the principal causes of sepsis. Group II, claims 4-5, relate to a diagnostic method that exploits this same endotoxin-binding property of the recited molecules. Likewise, Group III,

claim 6, relates to a method of isolating endotoxin from a sample *in-vitro* using these same molecules for their endotoxin-binding properties. In light of the close relationship between the subject matter of the three sets of claims, it is believed that a complete search for claims 1-6 would necessarily overlap. As a result, it would not be a serious burden on the Examiner to examine all the claims at this time. Therefore, withdrawal of the restriction requirement, and further and favorable consideration of all the claims of record on the merits is respectfully requested.

In the event that the Examiner decides to maintain the restriction requirement in this case, Applicants respectfully submit that new claims 7-9 are properly grouped with claims 1-3, and request that those claims be examined, with claims 1-3, on the merits.

In the event that there are any questions relating to this application, the Examiner is respectfully requested to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: 11 July 2003

By: Malcolm K. McGowan  
Malcolm K. McGowan, Ph.D.  
Registration No. 39,300

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620